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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 01/03/2023

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December 30, 2022

Via Electronic Case Filing

Hon. Andrew L. Carter, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Anorga v. Halseen, Inc., et al*
Case No.: 1:22-cv-07799 (ALC)

Dear Judge Carter:

This firm represents Plaintiff in the above-referenced action. We write to respectfully request an extension of Plaintiff's deadline to respond to Defendants' motion to compel arbitration, which is currently January 4, 2023. This is Plaintiff's second request for an extension of this deadline. The first request was granted.

Plaintiff makes this request for two reasons. First, I recently contracted COVID with serious, ongoing symptoms, including fever, body aches, coughing, and trouble breathing. This required me to be at home (often bedridden) and unable to work for over a week. Furthermore, it left me physically compromised (with limited ability to work) for approximately two weeks. Although I am now doing better, it has obviously impeded my ability to work on this case during the last several weeks, made worse with the impending holidays.

Second, Plaintiff intends to amend the complaint - hopefully with Defendants' consent and, if not, through formal motion practice. These amendments will impact Defendants' underlying motion in that they will invoke new legal arguments and facts not contemplated by Defendants in their motion papers and which Plaintiff will want to rely upon in her opposition papers, but which she may not otherwise be able to do without the amendments. Rather than file opposition papers based on Plaintiff's anticipated/proposed amendments to the complaint - which would put Defendants at a disadvantage and will likely cause them to request leave to file additional papers relating to their motion - we intend to send a proposed amendment to Defendants by the end of next week and let them determine whether they will withdraw their motion to compel arbitration, without prejudice to refile after the amended complaint is filed. Our intention being to avoid protracted motion practice and to preserve the parties' time and money.

Defendants initially refused to consent to Plaintiff's request, arguing that Plaintiff has had sufficient time to oppose their motion, that they want to avoid further delays, and that an amended complaint will not impact their motion at all. This, of course, was an unreasonable position since Defendants previously received, with Plaintiff's consent, an extension of almost thirty days to respond to Plaintiff's complaint, [DE 10], even though Defendants had been formally on notice of Plaintiff's claims for many months in a separate arbitration action. After reminding defense counsel of my medical condition, he stated that he would only consent to a two-week extension of the motion deadlines, during which Defendants expect us to send them the proposed amended complaint, perhaps recognizing that an amended complaint will, in fact, impact their underlying motion papers. Not wanting to belabor the point with defense counsel, I proceeded to file this letter.

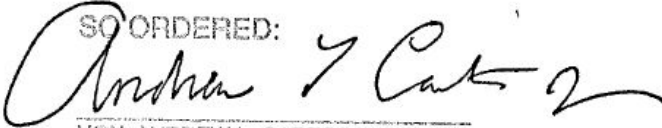
In light of the foregoing, we believe the requested extension is reasonable and kindly ask the Court to grant a revised briefing schedule extending all motion deadlines by three weeks: Plaintiff's opposition papers due by January 25, 2023 and Defendants' reply papers, if any, due by February 15, 2023. During that time, if Defendants refuse to consent to Plaintiff amending the complaint, we will file a pre-motion letter regarding same as per Your Honor's Individual Rules.

We thank the Court for its attention and consideration to this request.

Respectfully submitted,

_____/s/_____
Louis M. Leon, Esq. (LL 2057)
Attorneys for Plaintiff

cc: All counsel (via ECF).

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
01/03/2023